IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.1057 OF 2006

Shabnam L.Kapoor .. Petitioner.
Vs.
Bobby S.Anand & Anr. .. Respondents.

Mr.S.V.Marwadi a/w Mr.Vaibhav Krishna for the petitioner.
Mr.S.R.Borulkar P.P. a/w Mr.S.R.Shinde A.P.P. for the respondents.

CORAM : D.B.BHOSALE, J.

DATED : 12TH JUNE, 2006

P.C.:

. Heard learned counsel for the parties.

2. By this petition, the petitioner has challenged the issue of process. It is now well settled position in law that against the order of issue of process passed by the learned Magistrate, revision under section 397 is an appropriate remedy. In view of this Mr.Marwadi, learned counsel for the petitioner prays for withdrawal of this petition with liberty to the petitioner to approach the Sessions Court in revision and for stay to the further proceedings for a period of one week. The writ petition is allowed to be withdrawn with liberty as prayed for. Further proceedings in case No.3635/SW/05 pending before the Addl.Chief Metropolitan Magistrate

Court, 9th Court, Bandra shall remain stayed for one week only from today. I make it clear that while granting stay to further proceedings of the case I have not examined the merits of the case. The Sessions Court shall deal with the revision and a prayer for stay on merits in accordance with law and uninfluenced by this order. The petition is, accordingly, disposed of.

(D.B.Bhosale, J.)